

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

Solicitation No. R11PS30050	Contract Specialist: Cristina Hayden
Solicitation Title: HEADGATE ROCK DAM SCADA SYSTEM MAINTENANCE - IDIQ	

Introduction: As required by Federal Acquisition Regulation 6.303-2, this Justification for Other Than Full and Open Competition (JOTFOC) is prepared to document the facts and rationale justifying the authority cited in Paragraph 4 to negotiate with a sole offeror for the above requirement. This JOTFOC follows the format and contains all the information required under FAR 6.303-2.

1. Identification of Agency, Contracting Activity and Document.

Bureau of Reclamation, Lower Colorado Regional Office, Justification for other than Full and Open Competition.

2. Nature and/or Description of Action Being Approved.

The Bureau of Reclamation, providing technical support services to the Bureau of Indian Affairs under an Inter Agency Agreement, proposes to enter into a contract for technical support services to provide for maintenance and repair of the Headgate Rock Dam (BIA), Parker, AZ, Supervisory Control and Data Acquisition (SCADA) system. The proposed sole source contract is with Scipar, Inc., 26 West Spring Street, Buffalo NY 14221.

Background

The Bureau of Indian Affairs' Headgate Rock Dam's (HGRD) Supervisory Control and Automated Data Acquisition (SCADA) system consists of mix of sensors, actuators, and communications and ancillary devices reporting to, receiving data and direction from, and centrally controlled by dual computer processes. The central software is a unique program and databases developed in FORTRAN programming language. The SCADA system controls positioning of gates for both the spillway (seven gates) and powerplant (three gates) at HGRD, which is a diversion and water level control facility with hydroelectric power generation capability. The software was designed and installed by Scipar under contract 04-CP-30-0110 which completed on June 27, 2005. The system has been maintained by Scipar ever since.

This work is for the provision of preventive, corrective, and emergency maintenance services and minor improvements to ensure that the HGRD SCADA system remains operationally capable of meeting the needs for lower Colorado River water operations, Colorado River Indian Tribes-Bureau of Indian Affairs water and power generation operations.

3. Description of the Supplies or Services Required to Meet Agency's Need.

The SCADA system at Headgate Rock Dam is complex and includes a wide range of software and hardware, requiring both regularly scheduled preventive maintenance and unpredictable corrective action and system repair services that exceeds the technical skills and knowledge of the available Government staff. This requires contracted services of a unique, technical, highly-skilled nature including engineering, software programming, data analysis, and electrical and electronics technical repair and installation skills.

4. Statutory Authority Permitting Other Than Full and Open Competition.

The statutory authority for use of other than full and open competition for this transaction is as follows:

- FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements (10 U.S.C 2304(c)(1) or 41 U.S.C 253(c)(1)).
- FAR 6.302-2 Unusual and compelling urgency (10 U.S.C 2304(c)(2) or 41 U.S.C 253(c)(2)). (This justification may be made and approved after contract award when preparation and approval prior to award would unreasonably delay the acquisition.)
- FAR 6.302-3 Industrial mobilization; engineering, developmental, or research capability; or expert services (10 U.S.C 2304(c)(3) or 41 U.S.C 253(c)(3)).
- FAR 6.302-4 International agreement (10 U.S.C 2304(c)(4) or 41 U.S.C 253(c)(4)).
- FAR 6.302-6 National security (10 U.S.C 2304(c)(6) or 41 U.S.C 253(c)(6)).
- FAR 6.302-7 Public interest (10 U.S.C 2304(c)(7) or 41 U.S.C 253(c)(7)). (Requires approval of head of the executive agency.)

5. Proposed Contractor's Unique Qualifications/Nature of Acquisition Requiring Use of Cited Authority.

The existing SCADA system resulted from a targeted and limited-scope upgrade in 2004 of a SCADA system installed in the previous decade. It includes proprietary software and configurations developed by the proposed contractor, Scipar, Inc., to which the Government has only limited rights and of which the Government has limited knowledge. While most component devices are not unique, the integration and system software is uniquely a Scipar product as Scipar uniquely integrates hardware devices of varying age and technologies. Accordingly, for both maintenance and repairs, Scipar has unique and proprietary knowledge that require other contractors to either reverse-engineer or replace completely with other software at significantly greater cost.

6. Efforts Made to Ensure That Offers are Solicited From as Many Potential Sources as Possible.

Pursuant to FAR 5.101(a), a synopsis notice of the contract action was posted on the Federal Business Opportunities (FedBizOps) website. The synopsis stated Reclamation's intent to contract with Scipar as a sole source for the maintenance and repair of hardware and software for the SCADA system due to the fact that only one source can provide the services that will satisfy the agency requirement. The synopsis was published as a special notice on July 20, 2010 (See attachment).

7. Determination of Fair and Reasonable Price.

The proposed contract is an indefinite delivery, indefinite quantity, task-order type of instrument. Individual task orders will be priced based upon reasonableness of proposed maintenance and repair activities, labor hour quantities, materials and other direct prices. A negotiated schedule of labor categories and prices for each of the five years under the performance period will be the basis of pricing task orders. The value of the contract over a five year period is estimated at \$400,000.00. Labor rates

previously proposed under separate purchase orders were consistent with commercial market prices found on GSA and were determined fair and reasonable.

8. Market Survey.

In accordance with FAR 6.302-1(d)(2), this requirement has been synopsisized. Industry was advised of the pending sole source procurement and inquiries were solicited from interested parties. No sources expressed interest in this sole source procurement.

9. Additional Supporting Facts for Use of Other Than Full and Open Competition.

Technical data packages, specification, engineering descriptions, statements of work, or purchase descriptions suitable for full and open competition have not been developed because the software contains proprietary Scipar information.

10. Listing of Sources Expressing Interest in Acquisition.

No sources expressed interest.

11. Action Taken to Remove and Overcome Barriers to Competition. No practicable action is available at this time to overcome the existing competition barrier. BIA will eventually replace this system with a competitive, commercial-software-based system; however, budget for such replacement is not expected to become available for several years, necessitating continued maintenance of the existing system.

12. Approvals. The supporting data, which is the responsibility of the Bureau of Reclamation technical personnel and forms basis for this justification, have been certified as complete and accurate by means of the below signature on this document. As required by FAR 6.303-2(a)(12) and 6.304(1), (a) the contracting officer certifies that the justification is accurate and complete to the best of her knowledge and belief and (b) the signatures demonstrate the certifications and approvals necessary for this Justification for Other Than Full and Open Competition.